

Appl. No.: 09/522,108  
Amdt. Dated November 8, 2004  
Reply to Office Action of October 7, 2004

#### REMARKS/ARGUMENTS

Claims 1-18, 20-35, and 37-49 are currently pending in the present application. Claims 1-11, 28-35, 37 and 43-49 have been allowed. Claims 12-18, 20, 25-27, 38 and 40-42 have been rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,192,187 issued to Kinghorn in view of the prior art allegedly disclosed in Applicant's specification and U.S. Patent No. 5,677,739 issued to Kirkland. Claims 21-25 and 39 have been objected to as being dependent on a base rejected claim, but would be allowable if re-written in independent form.

By this amendment, Applicant has canceled claims 12-18. Applicant has also amended claims 20 and 38, as set forth above, to clarify that the control data frame is "intended for subsequent merger with a desired video frame in the video data file." Applicant submits that the amendments to claims 20 and 38 distinguish over the cited prior art and, thus, render allowable claims 20, 38, as well as all dependent claims.

In light of the foregoing, Applicant believes that all currently pending claims are presently in condition for allowance. Applicant respectfully requests a timely Notice of Allowance be issued in this case.

If the Examiner believes that a telephone conference would expedite prosecution of the present application, the Examiner is invited to call the undersigned at the telephone number set forth below.

Respectfully Submitted,  
LAW OFFICE OF MARK J. SPOLYAR  
By



Mark J. Spolyar  
Reg. No. 42,164

Date: November 8, 2004

Customer Number: 30505  
Law Office of Mark J. Spolyar  
38 Fountain St.  
San Francisco, CA 94114  
415-826-7966  
415-480-1780 fax